



Altadena Town Council

Land Use Minutes

May 2, 2017

7:00 p.m. Altadena Community Center
730 East Altadena Drive • Altadena, California 91001

1. **Call to Order:** Diane Marcussen 7:04 p.m.
2. **Pledge of Allegiance:** Judy Matthews
3. **Roll Call:** Pat Sutherlen. Present: John White, Anne Chomyn, Daryl Bilandzija, Judy Matthews, Tim Norman, Gloria Sanyika, Dean Cooper, Nestor De La Torre, Pat Sutherlen, Jennifer Lee, Anne Lansing, Diane Marcussen.
4. **Approved Meeting Agenda of May 2, 2017 as amended by Judy Matthews:** Mathews moved to add a census tract report for tract 4603.01 to meeting's agenda. Anne Lansing seconded. Unanimous.
5. **Minutes of April 2017:** Anne Chomyn moved. John White seconded. Motion passed. 11 ayes. 1 abstained (Cooper)
6. **Chairman's Report:** Diane Marcussen
 - Altadena has two code enforcement officers. Jose Rubio handles west of Fair Oaks. Viet Huynh (213 974 6453) handles east of Fair Oaks.
 - On social media, there was mention that the guerilla garden was being torn out. That's not the case. The county is weeding the garden.
 - La Vina Sub Committee is meeting Thursday, May 4th.
 - Regarding Fences and Hedges: Chair Marcussen stated she has been having lots of conversations with people at the County. Chair Marcussen is planning on asking the Altadena Town Council to address/discuss some more issues around the topic. She will send a letter to the Town Council.
7. **Action Items:**
 - 7.1 **CUP 2016-001849-Review and Vote on Conditions of Marketplace CUP.** Anne Chomyn.
 - Chomyn discussed the overall CUP process that has taken place and that there is overwhelming support for the project. Regional Planning can put conditions on CUPs. Through public comment at Altadena Town Council and Land Use Committee meetings, community canvassing, general soliciting through other mediums for community comment such as social media and working with the developer and their representatives, many conditions to the CUP have been proposed. In February of 2017, Anne Chomyn canvassed Mariposa Street speaking to 8 residents. 7 residents were favor with 1 resident later changing her mind. 1 resident was opposed. Flyers were left at many other residences.

Also in February of 2017, John White canvassed Marcheta speaking to at least a half dozen residents. Responses were positive across the board with noted concerns about parking and hours. Flyers were left at many other residences.

- Anne Chomyn read aloud all final conditions for CUP 2016-001849 (Appendix A).

Prior to the vote, Land Use Committee discussed a few of the CUP conditions:

- Anne Chomyn stated that the ≤ 500 sq. ft. store footprint means “store space” and not a mix of store and communal space.
- John White asked if, with a Type 21 Off-Sale liquor license, could a customer buy liquor at the store meant for take away purchases then open the liquor at the marketplace. The developer’s representative, Peter Impala, from the audience confirmed that a Type 21 does not allow for any onsite consumption other than for instructional training and employee tasting.
- Nestor De La Torre asked if any tenants will have refrigeration for Type 21 Off-Sale products. Peter Impala again commented from the audience that because they do not yet have a tenant, he can’t answer that question.
- Chair Marcussen Recommended that the closing hours should be 11:00 PM. She cited Mint Leaf as an example of a local restaurant that was granted a later closing date in their CUP, but now they close earlier because their customer base eats earlier. Anne Chomyn said most CUP’s for restaurants in Altadena allow sales past their current closing times, cited the hours of AltaEats and Amy’s Patio Café and stated that El Patron has no restrictions on hours.
- Nestor De La Torre asked if Anne Chomyn talked to the developer about using Styrofoam. Anne Chomyn said she did.
- Nestor De La Torre asked if each vendor will have a self-locking mechanism. The developer’s representative from the audience said yes.
- Anne Chomyn stated that the intention is to motivate patrons to park elsewhere to minimize impact to residents. Anne Chomyn said it was decided not to recommend valet parking.
- Gloria Sanyika asked about putting parking barriers in place and shutting down streets to non-residents.
- Chair Marcussen stated that she did not understand why there is no condition to make the front door self-closing. The developer’s representative commented that although plans have not been finalized, the idea is to sometimes keep the front door open to attract patrons and create an-open-to-the-community feel. Also to allow fresh air in. Gloria Sanyika mentioned adding air curtains and that the health department may require air curtains.
- Anne Chomyn highlighted that our request for a 5 year CUP is a very short CUP. Generally, CUP’s are longer.
- Daryl Bilandzja mentioned that hedges are not always effective breaking up sound.

7.1.1 Public Comment on CUP 2016-001849

- Doug Dickinson: lives at 1060 Marcheta. Said he though it is ridiculous no valet is

required. Has a strong negative opinion of the parking impact. Against project.

- Johnny Kamon: 1034 E. Mariposa. Said he was not present when the canvassing occurred and stated he did not receive flyer. Wanted selling hours to match open hours. Wants to keep valet. Likes the concept of marketplace but wants parking conditions.
- Helen Oversteet: 1004 E. Mariposa St. Stated the first canvassing in February did not contain all the necessary information to make an informed decision. "We found out in March meeting that up to 200 customers." Parking will be a mess. Will change our quality of life. The developer has changed the concept since. Anne [Chomyn] and John [White] seemed to have talked to the developer a lot, but is doesn't feel that they have spoken to the community enough. Against it in current form.
- Bonnie Lingel: 940 E Mariposa. Against. Strong negative opinion about parking. Greenbridge Apts. have no garages. They park in Websters' lot. Stated her property values will go down. Why does it need to be open so late? We don't eat late as a community. The plan has changed since initial concept. "I was initially in favor, but the more I find out, I disapprove more."
- Steve Lamb: You don't need 6 liquor licenses. Just one license is enough like a similar place in Little Tokyo. The devil is in the details. Rancho takes up much of the parking in the area already.
- Peter Doms: 2760 Winrock Ave. supports the Market Place CUP. Lived in Altadena for 29 years and have wanted something like this for a long time. Good work LUC.
- Richard Lambakis: 1869 E Altadena Dr. In support of the CUP. Vote for positive change in Altadena and a good opportunity to attract good business.
- Kwasi Connor: 954 Marcheta. Says the LUC and the developer formed a committee. Stated he is against the project. He and other community members are forming their own committee and will send its recommendations to the County. We will fight against this and make sure a bar is not in our community. Said he didn't know of Anne Chomyn and the CUP until recently.
- Agatha Henney: 952 E. Mariposa. Stated Anne Chomyn did not canvas her or leave a flyer. "I am from Paris" and used it as example that when businesses come to neighborhoods, "our lifestyle is impacted." Against it. She has children she doesn't want them exposed and worried her property value will go down. Will bring noise, foot traffic. Very opposed.
- David Howard 1016 E Mariposa. "Do we really need late night dining?" He doesn't want it. It will drive down property value and change the community. Doesn't think the parking issue is solved. The addition of the county parking lot does not solve. Against it because of the late hours and parking.

(End of Public Comment)

- Chair Marcussen stated that the Altadena Town Council (ATC) will vote on the CUP in 2 weeks and then make recommendation to the County. The ATC recommendation is not set in stone. ATC will send a letter to Regional Planning and Regional Planning will hold their own public hearing to consider public comment. Chair Marcussen urged everyone in attendance to voice their opinion at the Regional Planning meeting. Chair Marcussen

stated that what we will try to do tonight is to recommend the best we can, what we feel is the best for the broader Altadena community.

- Dean Cooper asked if all the conditions on the CUP were enforceable and what has the developer done to hold future tenants accountable. From the audience, the developer's representative, Peter Imapla, stated that the CUP process exists so the community can set enforceable conditions and that the developer and all the tenants have an interest in following conditions set within the CUP. Dean Cooper stated and wondered what the Altadena Community Plan holds us to: growth, progress, viability, strengthening the corridor. We should continue to look at both sides of the picture.
- Gloria Sanyika said that "at least 3 residents stated they want valet parking. If the community wants valet parking, we should keep it." "I sympathize with the residents. This should be in the Ralph's building."
- Chair Marcussen stated we can't require paying for valet parking.
- Anne Chomyn stated that residents may look into getting permit parking. By right, anyone can come with 208 seats and we can't do anything about it. The only reason LUC has any say is because of the alcohol. The county, parking is grandfathered in. We can't say no to the 208.
- Anne Chomyn motioned that the Land Use Committee recommend that the Town Council approve the CUP application [2016-001849] of Altadena Marketplace with the conditions read and amended earlier. Anne Lansing seconded.

Before full vote was conducted, more comments and discussion by LUC members:

- Chair Marcussen discussed hours again and cited the business hours of local restaurants: El Patron, Amy's, Park Bench Grill, Nancy's Café.
- Anne Lansing stated she would be surprised in the Marketplace can draw to 11:00 PM. She would be supportive of a 10:00 PM close.
- Chair Marcussen stated we came up with a lot of conditions to do what we can. Anne Chomyn has run all CUP by the planner and they are enforceable.
- Gloria Sanyika brought up valet parking again.
- John White stated that valet parking is not a condition now. We can't enforce free valet parking and making sure valet parking is provided could be a deal killer for the tenants.
- Anne Chomyn stated the hours will be driven by the business. If people don't come late, they will close earlier. Business in Altadena is hard. Let's keep the hours at 11:00 PM to give the tenants a greater chance of success.
- John White stated it is not a bar. It is a Marketplace with an evolving concept.
- Chair Marcussen restated the hours of operation as listed in CUP: 10:00 PM weekdays, 11:00 PM weekends.
- Diane Marcussed stated we already have a motion and a second, let's take a vote. Vote to approve the conditions **CUP 2016-001849** (Appendix A) Passed unanimously. No abstentions.

8. Presentation Only - None

9. General Public Comment:

- Steve Lamb thanked Dean Cooper for his work on Hedges. Thanked Gloria for her comments. Stated that the ATC doesn't listen to them.

10. Reports – Census Tract Representative: Judy Matthews, Tract 4603.01

- 2016 Special Joint Council Meeting Question Results are available. Chair Marcussen and Judy Matthews discussed and agreed to send the results out to the ATC in Excel format.

11. Adjournment 8:51 PM. Pat Sutherlen moved, John White seconded.

12. APPENDIX A

CUP 2016-001849- Final Conditions as Voted on by the Altadena Land Use Committee

Tenants

The permit is to be granted with the understanding that it will be used only for multiple small tenants in keeping with the developer's marketplace concept.

Allow up to six tenants to apply for Type 41 or Type 47 licenses, with a maximum of two Type 47 licenses, and allow one tenant to apply for a Type 21 license.

Type 47 license allowed only when necessary to complement a particular type of ethnic or specialty food, like Korean cocktails.

Footprint of Type 21 license establishment shall be ≤ 500 sq ft. usable space.

No private parties/events/single activity use of facility.

The permittee shall not install or maintain video games, pool tables or similar game activities or equipment on site.

Serving of alcoholic beverages

The sale of alcoholic beverages shall be in conjunction with food sales. Food service along with full menu shall be made available during all hours of business operation.

Hours for selling alcoholic beverages: sales of alcoholic beverages may begin every day at 9 am. Sales of alcoholic beverages shall end with closing time – no later than 10 p.m. Sunday to Thursday and no later than 11 p.m. on Friday and Saturday.

Alcoholic beverages sold by vendor with Type 21 license shall not be consumed at the site, except for instructional tasting.

There shall be no consumption of alcoholic beverages outside and in the vicinity of the Marketplace building.

Facilities to be provided to tenants

Tenants shall not use Styrofoam in the serving or selling of food and/or drink. Owner shall provide plumbing for dishwashers as needed by the tenants.

Exterior security cameras shall be required.

Burglary and robbery alarms shall be installed inside the Food Hall or Marketplace.

Each tenant will have contact information for the building manager; contact information will also be on display in the building,

Parking, Noise and Light

Marketplace policy shall direct overflow parking to Lake Ave., Mariposa west of Lake, and the (prospective) lot on El Molino (next to Fire Station) rather than Mariposa St., Marcheta St., and Beverly Way east of Lake Ave.

Tenants and employees associated with Marketplace shall not park on Mariposa St., Marcheta St., or Beverly Way east of Lake Ave.

Parking lot striping and signage shall ensure that a delineated No Parking-Tow Away zone is provided for easement of residence at 940 E Mariposa St. (Developer and county are aware of easement and parking plan addresses the issue with use of signage.)

Striping shall maximize the number of parking spaces in the lot.

Parking lot lighting shall be dark sky-compliant, directed toward parking lot, and shall not illuminate adjacent private residences.

In consideration of after-dark operating hours, a barrier shall be constructed or vegetation, grown, so as to shield Marcheta Street residences across the street from the Marketplace parking lot from automobile, SUV, and truck headlights. Especially the residences at 916, 930 and 936 E. Marcheta St. shall be protected from such light intrusion.

All efforts shall be made to provide noise reduction with the use of landscaping in the parking lot, at entry/egress driveways, and along the east wall of the Marketplace structure.

Require rear doors to be self-closing.

No amplification of live music. Live music not to exceed small ensembles (up to 3-4 musicians) providing unamplified background music for diners.

There shall be no music or other noise audible beyond the restaurant premises with doors open during business hours.

Live music accompanying dining shall not extend beyond operating hours.

No loitering.

Signage shall be posted on Marketplace property to direct traffic exiting Marketplace parking lot toward Lake Avenue.

Other conditions

The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.

The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.

The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or any equivalent program. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.

All sellers of alcoholic beverages must be at least 21 years old.

The permittee shall provide adequate lighting above the entrance of the premises. The lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.

Security cameras shall be installed inside the restaurant and outside facing the parking lot.

Request 5 year CUP so that hours and parking burden can be reviewed at that time.
CUP renewal application shall come before the Altadena Town Council.

Minutes Recorded by LUC Member Tim Norman with contributions from Anne Chomyn